

NJ DEPARTMENT OF HUMAN SERVICES

OFFICE OF PROGRAM INTEGRITY AND ACCOUNTABILITY



**Updates to
N.J.A.C. 10:44A and 10:44C
2/14/23**

Presenters

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State of New Jersey



Today's Agenda

- Review the updates to N.J.A.C. 10:44A and 10:44C.
- Discuss how these changes will be implemented.

Office of Licensing 10:44

Changes

- Three primary drivers of changes:
 - Laws;
 - Transition to Fee for Service;
 - Other updates.



The Reality

- The great majority of changes have already been in place.



Laws

- Home and Community Based Services Settings Rule.
- Stephen Komninos Law (SKL).
- NJ Private Well Testing Act.

Fee for Service

- Provider managed.
- Application for licensure.
- Strengthening new licensees.
- Negative licensing action.
- Flexibility for handling cash.
- When residence may no longer meet the individual's needs.
- Electronic records.

General updates – Definitions

- Planning Team;
- ANE;
- APN;
- Annex A;
- Auth to operate;
- BSP;
- Care manager;
- Community agency & head;
- Critical information;
- TB testing IGRA;
- Office of Investigations;
- Office of Licensing;
- Person centered planning;
- Personal guidance;
- SRU;
- Valuable personal possessions.

General updates – Old news (slide 1 of 3)



- Background checks, CR issues.
- Items in the residence.
- Relocation procedures.
- Requires a procedure for investigations and for safekeeping valuables.
- Modifies language for complaints & grievances.
- Time frame for staff physicals.
- DSP training requirements.
- Qualified trainers.

General updates – Old news (slide 2 of 3)

- The identification of all behavioral supports used.
- Items to first aid kits.
- Online medication reference tool.
- Separate oral and other drops.
- For OTCs, manufacturer's label acceptable.
- Thaw food in refrigerator.
- Have three day supply of food.
- Fire drill clarification.

General updates – Old news (slide 3 of 3)

- Two means of egress.
- Water temperature.
- Not blocking window.
- Size of window.
- Mattress plastic.

Specific Changes

- Please note – specific changes that we will now go over cover both 10:44A and 10:44C, unless otherwise specified.
- Only new information will be discussed at this time. As previously stated, many of these changes are already in place (SKL, HCBS) but are just now being documented in the Standards.

Specific Changes Cont.

- 1.9 – Administrative Hearings
 - 1.9(c)3: The appointment of an independent monitor by the Department, paid for by the licensee.
- 2.1 – General Requirements
 - 2.1(d)1-5: Adds a requirement for licensees with a for profit status to have a board of directors and includes what information of the board has to be accessible to the Office of Licensing.
- 2.2 – Development and Maintenance of Procedure Manual
 - 2.2(a)5i: The procedure shall also address emergencies where evacuation may not be required, such as when the indoor air temperature is below 68 degrees Fahrenheit or above 82 degrees Fahrenheit for four consecutive hours.

Specific Changes Cont.

- 2.4 – Personnel
 - 2.4(b) – This section codifies regulations that are already in place surrounding staff needing a criminal history background check prior to hire.
- 2.7 – Staff Training
 - 2.7: This section updates training requirements for staff. Examples include training on specialized needs and behavior supports plans and being trained by a qualified trainer.
 - 2.7(a): Staff are required to have certain trainings within 90 days of employment. This was changed to match the Division's manuals. The previous requirement was 120 days.
 - 2.7(a)4: This clarifies that First Aid/CPR training has to meet Emergency Cardiovascular Care (ECC) guidelines.

Specific Changes Cont.

- 2.9 – Records of Individuals Receiving Services
 - 2.9(d)1xi: Admission documents have been updated to include an annual physical within the last year and a record of the results of a Mantoux skin test or IGRA blood test. **This is exclusive to 10:44A.** 10:44C still requires a Mantoux skin test or IGRA within the last year prior to admission.
 - 2.9 also includes updates to what is required in the individual's record due to the change from the IHP to the ISP.
- 2.10 – Finances
 - 2.10: Agencies can now hold up to \$200.00 in individual funds. This was increased from \$100.00.

Specific Changes Cont.

- Subchapter 3: Advocacy and Rights
 - Both Standards were updated to reflect changes in the rights of individuals based on HCBS. In 10:44C, this is outlined at 3.4(b)1-27 and for 10:44A it is reflected in the updated Division's Rights Document.
- Subchapter 4: Service Delivery
 - Both Standards were updated to reflect changes based on HCBS. These changes include the requirement for formal leases, residency agreements and choice of roommate.

Specific Changes Cont.

- Subchapter 5: Health and Safety
 - Additions were made in 10:44A to include that an Advanced Practice Nurse (APN) can prescribe medications and durable medical equipment.
 - 5.1(g)8-9: CPR mask and protective gloves were added to the requirements of a first aid kit in 10:44A.
 - 5.5: Food
 - There needs to be at least a three day supply of food at all times.

Specific Changes Cont.

- Subchapter 5: Health and Safety
 - 5.6(a-d):
 - (a) Each individual shall have an adequate supply of clean and well-fitting clothing appropriate to age, gender identity, individual needs and preferences, community standards, season, and weather conditions.
 - (b) Each individual shall have the opportunity to select and purchase clothing according to individual taste and preference.
 - (c) The licensee shall provide assistance to individuals who require assistance in order to maintain their own clothing.
 - (d) The licensee shall provide laundry facilities without additional charge to individuals, unless there is documentation in an individual's Service Plan that the individual is to pay for the laundering of his or her own clothing.

Specific Changes Cont.

- Subchapter 5: Health and Safety
 - 5.7 – Vehicle Safety
 - Both Standards have a requirement, based on HCBS, that an agency vehicle shall be available at all times, as needed, and for desired community integration.
 - Vehicles used to transport individuals utilizing wheelchairs shall be accessible and include all required safety mechanisms.
 - For 10:44A, CPR masks and gloves were added to the first aid kit requirements.
 - Vehicles require a spare tire and jack **or** provisions for roadside assistance.

Specific Changes Cont.

- Subchapter 6: Fire Safety and Physical Environment
 - 6.2 – Emergency Evacuation Plans
 - This section has been updated to include details about what information should be included in EEPs.
 - 6.2(b)1: While a fire drill must be conducted within 24 hours of an admission, the EEP now has to be revised within 72 hours. This is a change from the previous rule of 48 hours. **This is exclusive to 10:44A.**

Specific Changes Cont.

- Subchapter 6: Fire Safety and Physical Environment
 - 6.3(c)1-3: Addressing if an individual cannot evacuate in three minutes or less.
 - (c) If the individual is unable to evacuate the residence in three minutes or less after re-training, the licensee shall take steps that result in prompt evacuation in subsequent drills, including, but not limited to, the following:
 - 1. Add awake staff to ensure the three-minute time is met;
 - 2. Relocate individuals so that the three-minute time is met; or
 - 3. Conform to the I-1 Use Group classification (N.J.A.C. 5:23-6.21 and 6.21A).

Specific Changes Cont.

- Subchapter 6: Fire Safety and Physical Environment
 - 6.6(a)2: Two means of egress shall be ramped, located in different parts of the building, and lead to the ground level.
 - 6.6(j): Standby generators, if present, shall be permanently installed by a qualified technician, in accordance with all local codes and permitting and inspection requirements.

Specific Changes Cont.

- Subchapter 6: Fire Safety and Physical Environment
 - 6.10(a)1: The potable water supply from a private well shall be tested at least once every five years by a New Jersey certified laboratory.
 - 6.13 – Bedrooms:
 - Every bedroom shall have an operable door for privacy, equipped with standard hardware that provides a privacy lock that can be readily opened from the outside in an emergency, and with only appropriate staff having access to the key, as needed. Hooks and eyes, bolts, bars, and other similar devices shall not be used on bedroom doors.



Questions??

- Contact the Office of Licensing at:
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